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June 24, 2005

BY E-FILING

The Honorable Kent A. Jordan
U.S. District Court
844 North King Street, Room 4209
Wilmington, DE 19801

Re: Novozymes A/S v. Genencor International, Inc., et al.
C.A. No. 05-160-KAJ

Dear Judge Jordan:

This letter is being submitted on behalf of all parties to this action.

In preparation for the scheduling teleconference set for June 30, 2005, the parties have filed the form of scheduling order required by Your Honor's May 25, 2005 order. The parties have agreed to an overall proposed schedule for the case and other issues as set forth in the proposed scheduling order.

As Your Honor is aware, one matter the parties wish to discuss during the June 30 teleconference is the scheduling of plaintiff's motion for a preliminary injunction ("PI motion"). Counsel have discussed possible schedules, but were unable to reach agreement. This letter will set forth each side's proposed schedule and provides some context for that proposal.

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Plaintiff will be requesting a hearing quite soon (preferably the first week of August, 2005) to permit the court to rule by a critical date in October, 2005. Plaintiff believes a ruling by that time is necessary because a collective of fuel ethanol producers is expected to close bidding and be in a position to award between October and December an annual supply agreement for the following calendar year, for a product covered by the patent-in-suit -- either plaintiff's product or defendants' product. For the reasons set forth in plaintiff's memorandum of law in support of the PI motion, which will not be repeated here, plaintiff believes it will be irreparably harmed if the new annual supply contract is made with defendants. Accordingly, plaintiff proposes the following schedule on the PI motion:

Written PI discovery to be served by July 1, 2005;

Responses to written PI discovery to be served, and PI documents to be produced, by July 8, 2005;

PI depositions (likely dual path depositions) during the week of July 11, 2005;

Defendants' answering brief in opposition to the PI motion to be filed on July 25, 2005;

Plaintiff's reply brief in support of the PI motion to be filed on August 1, 2005, with concurrent PI depositions by plaintiff, if necessary, during the period between July 26 and August 1; and

Hearing at a time to be determined by the court, preferably in August.

Defendants believe that plaintiff's PI schedule is too aggressive and unwarranted, primarily because plaintiff's proposed schedule would deprive defendants of the opportunity to fairly prepare their response to the PI Motion. Plaintiff's PI Motion is supported by the extensive statements of five witnesses, four of whom performed (or "supervised") extensive biological experimentation and technical analysis that may take weeks to recreate and properly assess. It will be necessary to depose all five declarants to understand what they did, before defendants' experts will be in a position to fairly respond. Additionally, it will likely be necessary to depose one or more of the three inventors named in plaintiff's patent, and to take discovery related to the alleged experimental results provided to the Patent Office in prosecution of plaintiff's patent (discussed in plaintiff's comments on the inequitable conduct issue in the PI Motion). Many of these witnesses will testify in Danish, and many are located outside the US, further complicating scheduling. Plaintiff waited more than three months to file this PI Motion after filing this case, well aware of the competitive marketplace (other contracts have been "in play" since the case was filed); plaintiff presumably waited so long because it took that long to fairly prepare its position, in which case defendants should have an equal chance to prepare. Accordingly, defendants propose the following PI schedule:

Written PI discovery (to be served by July 1, 2005;

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Responses to written PI discovery to be served, and documents to be produced,
by July 15, 2005;

PI Depositions to be conducted July 15, 2005 – August 30, 2005;

Defendants' answering brief in opposition to the PI motion to be filed on
September 23, 2005;

Plaintiff's depositions, if necessary, during the period between September 14 and
October 6;

Plaintiff's reply brief in support of the PI motion to be filed on October 7, 2005;
and

Hearing at a time to be determined by the court on a date on or after October 14,
2005.

The parties are prepared to explain their positions on the proposed schedule in
more detail at the telephonic conference set for Thursday, June 30, or to submit those positions in
advance of the conference, as the Court prefers.

Respectfully yours,



Richard H. Morse (#531)

RHM:mmeeh

cc: Clerk, United States District Court (By E-filing and By Hand)
Donald E. Reid, Esquire (By Hand and E-filing)